

REMARKS

This amendment on submitted after final rejection pursuant to 37 CFR 1.116 because Applicants believe that all claims now presented are in condition for allowance. In any event, entry of this amendment will place the application in better form for appeal. No new matter has been added and no new issues have been raised. Finally the changes that Applicants have made in this amendment are in direct response to points raised by the Examiner for the first time in the last office action and Applicants could not have made this response at an earlier date.

Applicants have canceled claim 16 and amended claim 1, step (f) to include the limitations of claim 16. Thus claims 1 through 15 remain in the application and are again presented for examination.

The Examiner has withdrawn the previous bases of objection to the claims as informal and the bases of rejection of the claims as vague and indefinite under 35 USC 112, second paragraph, and she has also withdrawn the rejection of claims 1 through 8 and 11 through 14 as anticipated under 35 USC 102 by KEARNEY and the rejection of all claims as obvious under 35 USC 103 citing KEARNEY in combination with PFALLER. However, the Examiner is still not satisfied with Applicants' amendment to claim 1, part (f) and states that the term "all cell culture parameters" is unacceptable and must be more sharply defined. The Examiner has

indicated that if Applicants agree to combine claims 1 and 16, that she will not maintain the rejection of the claims as indefinite.

Applicants have responded to the rejection of claim 1 under 35 USC 112, second paragraph, as indefinite and have combined claims 1 and 16 per the Examiner's suggestion. Applicants believe that all claims now presented are in full compliance with the requirements of 35 USC 112, second paragraph.

The Examiner has conducted a subsequent search of the prior art and now rejects all claims as obvious in view of the combination of the previously cited KEARNEY and PFALLER references together with newly cited US Patent 7,198,940 to VELLINGER et al. According to the central paragraph of page 5 of the office action, the Examiner indicates that VELLINGER et al discloses in Fig. 10 and in col. 8, lines 10 to 57, a bioreactor apparatus that includes a video camera, a microscope, including a dual optical path configuration. The Examiner seems to equate this system in VELLINGER et al with Applicants' elements 22, 22' and 23 in Fig. 1 and concludes that the presently claimed invention is obvious in view of these three references in combination.

Applicants ask that the Examiner reconsider this basis for rejection of the claims. Applicants maintain that the VELLINGER et al reference does not disclose a mechanically adjustable movable platform (displaceable table), such as Applicants' element 23 on which is mounted a camera 22 with a microscope attachment 22'. Applicants claim this aspect of the invention in claim 1, part (e). VELLINGER et al does not disclose

such a step. VELLINGER et al does not disclose or suggest a camera with a microscope attachment on a displaceable table that moves past the cell culture chambers while programming on software, movement positions of the camera. This arrangement solves the problem of developing a method for cultivating cells, where it is possible to find, monitor and gather certain selective cells, during the length of an experiment or a cultivation period. Through Applicants' presently claimed method only one camera is required, though more than one camera may be employed. Since VELLINGER et al does not disclose a camera with a microscope attachment on a displaceable table, the combination of KEARNEY, VELLINGER et al, and PFALLER does not at all, suggest the presently claimed invention.

Applicants especially believe that the method according to claim 15 is especially patentable over KEARNEY, VELLINGER et al and PFALLER, not only for all of the reasons set forth hereinabove distinguishing claim 1 over the combination of references, but furthermore the method of claim 15 also determines cell culture contours during movement of the camera, stores the determined cell contours on the computer software, and recognizes those stored determined cell contours when the camera again moves past the cell culture chamber later on during the observation.

In view of the above no claim now presented should be rejected under 35 USC 103 as obvious in view of the combination of KEARNEY, VELLINGER et al, and PFALLER.

Applicants believe that all claims now presented are in condition for allowance, and a response to that effect is earnestly solicited.

Respectfully submitted,
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Enclosure:
None.

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